

Calendar No. 62

103D CONGRESS  
1ST SESSION

**S. 647**

[Report No. 103-43]

**A BILL**

To assist in the effective management of the civilian work force of the Central Intelligence Agency, and for other purposes.

MAY 5 (legislative day, APRIL 19), 1993

Reported without amendment

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IN THE SENATE OF THE UNITED STATES

MARCH 24 (legislative day, MARCH 3), 1993

Mr. WARNER (for himself and Mr. DECONCINI) introduced the following bill;  
which was read twice and referred to the Select Committee on Intelligence

MAY 5 (legislative day, APRIL 19), 1993

Reported by Mr. DECONCINI, without amendment

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**A BILL**

To assist in the effective management of the civilian work  
force of the Central Intelligence Agency, and for other  
purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Central Intelligence  
5       Agency Voluntary Separation Incentive Act”.

1 **SEC. 2. VOLUNTARY SEPARATION INCENTIVE PROGRAM.**

2 (a) PROGRAM AUTHORITY.—The Director of Central  
3 Intelligence may in the Director’s discretion establish and  
4 administer a program under which the Director may pay,  
5 subject to the availability of appropriations, a financial in-  
6 centive to employees of the Central Intelligence Agency re-  
7 ferred to in subsection (b) for voluntarily separating, by  
8 retirement or resignation, from employment by the  
9 Central Intelligence Agency.

10 (b) APPLICABILITY OF PROGRAM.—The Director  
11 may apply a program established under subsection (a) to  
12 any or all of the employees of the Central Intelligence  
13 Agency who—

14 (1) serve under an appointment without a time  
15 limitation;

16 (2) have been employed by the Central Intel-  
17 ligence Agency for not less than 12 months;

18 (3) meet such requirements as the Director of  
19 Central Intelligence may prescribe, which may in-  
20 clude requirements relating to—

21 (A) years of service;

22 (B) skills; and

23 (C) level of pay;

24 (4) are not reemployed annuitants under a re-  
25 tirement system for employees of the Federal Gov-  
26 ernment; and

1           (5) are not employees eligible for disability re-  
2           tirement under a retirement system for employees of  
3           the Federal Government.

4           (c) ADDITIONAL ELIGIBLE EMPLOYEES.—

5           (1) AUTHORITY.—The Director of Central In-  
6           telligence may, on a case-by-case basis, apply the  
7           program under subsection (a) to an employee of the  
8           Central Intelligence Agency not eligible under sub-  
9           section (b) if the Director determines that doing so  
10          is necessary or advisable in the interests of the  
11          United States.

12          (2) AUTHORITY NOT DELEGABLE.—The author-  
13          ity under paragraph (1) may not be delegated.

14          (3) REPORT ON USE OF AUTHORITY.—The Di-  
15          rector of Central Intelligence shall report each in-  
16          stance of the exercise of the authority under para-  
17          graph (1) to the Select Committee on Intelligence of  
18          the Senate and the Permanent Select Committee on  
19          Intelligence of the House of Representatives.

20          (d) CAP ON INCENTIVE AMOUNT.—The total amount  
21          paid by the Central Intelligence Agency to an employee  
22          pursuant to subsection (a) may not exceed the lesser of—

23                (1) the minimum amount that is determined,  
24                from time to time, by the Director of Central Intel-  
25                ligence as—

1 (A) necessary to result in the desired num-  
2 ber of voluntary separations; and

3 (B) appropriate; or

4 (2) \$25,000.

5 (e) TERMINATION OF SERVICE OR REIMBURSEMENT  
6 OBLIGATIONS.—

7 (1) AUTHORITY.—In the case of an employee  
8 who is obligated under an agreement between the  
9 employee and the Central Intelligence Agency to  
10 render service to the Central Intelligence Agency or  
11 to reimburse the United States for not so serving,  
12 the Director of Central Intelligence may terminate  
13 the employee's obligation under that agreement in  
14 connection with the separation of the employee from  
15 employment and the payment of a financial incentive  
16 to the employee under a program established pursu-  
17 ant to subsection (a).

18 (2) AGREEMENTS COVERED.—Agreements re-  
19 ferred to in paragraph (1) include any agreement  
20 entered into pursuant to section 506 of the Intel-  
21 ligence Authorization Act for Fiscal Year 1987 (50  
22 U.S.C. 403j note).

23 (f) COST NEUTRALITY OR SAVINGS.—The Director  
24 of Central Intelligence shall ensure that the total cost of  
25 incentives paid to employees under a program established

1 pursuant to subsection (a) during the period beginning on  
2 the date of the enactment of this Act and ending on Sep-  
3 tember 30, 1998, does not exceed the total cost that the  
4 Central Intelligence Agency would have incurred for the  
5 pay and other personnel benefits for such employees if  
6 they had remained employees of the Central Intelligence  
7 Agency for that period.

8 (g) RELATIONSHIP TO OTHER GOVERNMENT BENE-  
9 FITS.—The amount paid to a person pursuant to sub-  
10 section (a) may not—

11 (1) be the basis for payment of, and may not  
12 be included in the computation of, any other mone-  
13 tary benefit payable with respect to that person by  
14 the Federal Government; and

15 (2) be taken into account for purposes of deter-  
16 mining the amount of any severance pay to which  
17 such person is entitled under any other provision of  
18 law based on any other separation from employment  
19 by the Federal Government.

20 (h) TERMINATION OF AUTHORITY.—No financial in-  
21 centive amount may be paid under the authority of this  
22 section in connection with any voluntary separation occur-  
23 ring after September 30, 1998.

1       (i) REGULATIONS.—The Director of Central Intel-  
2   ligence shall prescribe such regulations as may be nec-  
3   essary to carry out this section.